



# **Judicial Council of California**

## **Administrative Office of the Courts**

**Trial Court Financial Policies and Procedures**

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# **CASH HANDLING**

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# Cash Handling

## 1.0 Purpose

The purpose of this policy is to establish uniform guidelines for trial court employees to use in receiving and accounting for payments from the public in the form of fees, fines, forfeitures, restitutions, penalties, and assessments resulting from court orders.

## 2.0 Policy Statement

It is the policy of the trial court to collect and process payments received from the public in the form of fines, fees, penalties, restitution, forfeitures and assessments in a manner that protects the integrity of the court and its employees and promotes public confidence. The trial court shall institute procedures and internal controls that assure the safe, secure collection, and accurate accounting of all payments.

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## 4.0 Application

This policy applies to all trial court officials and employees whose official job responsibilities involve any aspect of collecting or processing revenue received from the public either in-person or by mail.

## 5.0 Definitions

1. **Audit Trail.** A series of documents that traces the movement and location of funds through an accounting system (e.g., receipt, cash collection record, deposit permit request, monthly cash settlement report).
2. **Cash.** Currency, coins, checks and money orders.
3. **Cash Change Fund.** The beginning balance in a cashier's cash drawer or cash register to be used for making change when receiving payments from customers.
4. **Cash Control.** The management of currency, checks, money orders, etc.
5. **Check.** A written order on a bank to pay a specified amount to the bearer on demand.
6. **Collection Record.** A document used to record information about all the payments received by the court. The collection record should show in chronological sequence and by receipt number all amounts collected by the court and the nature of the money collected.
7. **Deposit.** Cash and negotiable paper (checks, money orders, cashier's checks, traveler's checks, etc.) placed in an account with a financial institution.

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8. **Deposit Permit Request.** A form prepared to accompany the deposit of funds collected by the court to the county treasury. The deposit permit request must be supported by acceptable documentation such as duplicate receipts or a receipt listing.
9. **Fiduciary.** To act for another party's benefit while subordinating one's individual interests is to act in a fiduciary capacity.
10. **Internal Controls.** The plan of organization and all the methods and measures used by the court to monitor assets, prevent fraud, minimize errors, verify the correctness and reliability of accounting data, promote operational efficiency, and ensure that established managerial policies are followed.
11. **Monthly Cash Settlement Report.** A report prepared by the court summarizing the revenues collected by the court each month. The collection record provides the data necessary to prepare the report.
12. **Receipt.** A written record received upon payment for goods or services that itemizes the goods or services received and the price paid for them.
13. **Revenue.** Monies received in the form of cash, check, money order, credit card or debit card payment, or other acceptable form.

## 6.0 Text

### 6.1 Safekeeping of Money

In the history of thefts and mysterious disappearances of money in the courts, the primary cause has been carelessness in handling money. To reduce the potential for losses due to errors or irregularities, court employees involved in collection activities (cashiers and supervisors) will observe the guidelines provided in this section.

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## 6.2 Acceptable Forms of Payment

1. The trial court can accept the following for payment of fines, forfeitures, and fees:
  - a. Cash.
  - b. Personal checks.
  - c. Bank checks or drafts.
  - d. Traveler's checks.
  - e. Money orders.
  - f. Credit cards.
  - g. Debit cards.
2. The court shall not be required to accept payment in coin.<sup>1</sup>
3. A court may accept or reject any check or money order based on California Rule of Court 805 under a written policy adopted by the court pursuant to GC 71386. Acceptance of credit cards (and debit cards) is prescribed under GC 6159.

## 6.3 Payments Made In-Person

### 6.3.1 Beginning Daily Balance

At the beginning of each day, each cashier shall receive a "cash change fund" in a secure drawer or other container. The cashier shall count the money in the cash change fund in the presence of a supervisor or other designated employee to verify receipt of the correct amount. If the correct amount is not received, the cashier must bring the cash change fund to his or her supervisor for correction before daily collection activities begin.

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<sup>1</sup> Government Code 24353.

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### **6.3.2 Cash Handling Procedures**

Cash control procedures are of primary importance to court management in avoiding losses. The fundamental rules for controlling cash receipts include the following:

- a. Organizationally:
  - i. Designate specific responsibility for custody of cash funds during the workday and for securing cash in a safe, vault, or other secure storage place overnight.
  - ii. Limit responsibility for receiving cash to as few people as possible.
  - iii. Separate cash handling from record keeping. Responsibilities for collection and deposit preparation should be segregated from those involving the recording of cash receipts into court accounting records and permanent court record entries.
  - iv. Have bank reconciliations prepared by persons not responsible for handling cash.
- b. When receiving payment:
  - i. When cash is received at the public windows it is counted out loud in the presence of the customer.
  - ii. Money should not be put in the cash drawer until after a receipt is issued and the correct change is given to the customer.
  - iii. If a customer disputes the amount of change tendered at the counter, the cashier shall ask a supervisor for assistance.
  - iv. Cashiers shall not return a disputed amount without a supervisor's approval.
  - v. Payments involving relatives or personal friends shall be given to the supervisor for re-assignment.
  - vi. Cash receipts should be recorded immediately.

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c. When depositing revenue:

- i. Prior to deposit, cash receipts should be secured in a cash drawer, vault, safe or locked cabinet to which only specifically authorized personnel have access. Cash drawers should be used for official court business only (i.e., the collection of fees, fines, and penalties, etc.).

### **6.3.3 Check/Money Order/Cashier Check Handling Procedures**

1. When a check, money order or cashier's check is received at the public window or in the U.S. mail, the following shall be verified before accepting payment:
  - a. The name of the customer must be preprinted on the check.
  - b. Numeric and written dollar amounts must match.
  - c. Checks must be signed by the customer.
  - d. Checks must be dated for the day they are written. Post-dated checks are not accepted.
  - e. Two party checks are not accepted.
  - f. Checks must be written for the exact amount due. No change shall be made on payments made by check.
  - g. Checks must be made out to the court.
  - h. Case number(s) shall be written on checks.
  - i. Corrections made by the customer must be initialed by customer, not just crossed out and rewritten.
  - j. All checks must be restrictively endorsed immediately upon receipt (e.g., *For deposit only to...*).
2. Checks received by the trial court for which the payee line is blank or that are made payable to another state agency may be

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endorsed and deposited by the trial court when they are known to be a proper payment to the court.<sup>2</sup>

3. The trial court may accept checks from **law firms** marked “*not to exceed xx dollars*” for matters pending court action. When the amount of the payment becomes known, the trial court shall fill in the exact amount due. **This exception to normal procedures applies only to checks received from law firms.**

#### **6.3.4 Credit Card and Debit Card Payments**

1. GC 6159 authorizes the acceptance of credit card payments by the trial court and establishes the conditions under which payment by credit card is allowed. The same requirements apply to debit card payments.
2. If the trial court desires to accept credit card or debit card payments, it must first receive Judicial Council approval.<sup>3</sup> After obtaining approval, the trial court may enter into a contract with one or more credit card or debit card issuers. Alternatively, the court may elect to participate in any master agreement between the Judicial Council and credit card or debit card issuers.
3. The trial court may accept the following types of payments by credit card or debit card:
  - a. Bail deposits for any offense that is not a felony or any court-ordered fee or fine.<sup>4</sup>
  - b. Filing fees or other court fees.

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<sup>2</sup> State Administrative Manual, Sections 8023 and 8034.4

<sup>3</sup> Government Code 6159 (c).

<sup>4</sup> Government Code 6159 (b) (1)



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4. The court may accept credit card or debit card payments in person, over the telephone, over the Internet, or by mail. At a minimum, the trial court must verify that the credit card or debit card is current (the card expiration date must not have passed) for payments made in person.
5. For payments made by telephone, the customer's name as it appears on the credit card or debit card, telephone number, card number, and card expiration date must be obtained. The customer's case number is also required so that the case management system can be updated with the payment information.
6. For payments made via the Internet, the same information must be obtained from the customer as for telephone payments.
7. When receiving payments via the internet, the primary focus is to assure that the court's Web site is secured against the unauthorized use or theft of customer information:
  - a. Internally, access to customer information shall be limited to a small number of authorized court employees. For control purposes, system access codes shall be assigned to these employees.
  - b. Externally, the court must protect against electronic data theft. The court shall ensure the security of internet transactions by establishing firewalls and other protection devices, or by outsourcing the internet payment function to a qualified vendor, the court's internet service provider, or Web site host.
8. Prior to accepting any credit card or debit card payment, the validity of the payment must be verified with the card issuer either electronically or by telephone.

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9. The court may impose a fee for the use of a credit card or debit card in an amount not to exceed the cost incurred in accepting the card payment. This cost may include, but is not limited to, the discount or fee paid to the credit card or debit card issuer.<sup>5</sup>

### **6.3.5 Obtaining Authorization to Accept Credit Card Payments and the Imposition of a “Convenience Fee”**

1. Pursuant to California Rules of Court [Rule 6.703], the acceptance of credit cards and the imposition of a “convenience fee” to offset the cost of accepting credit cards requires the approval of the Administrative Director of the Courts.
  - a. The cost of credit card transactions includes the fee charged by the financial institution (the credit card company) and any additional processing costs incurred by the trial court. When accepting credit card payments, the trial court must either (i) impose a fee for the use of the credit card, (ii) demonstrate that the cost of acceptance of credit cards is not greater than the cost of acceptance of other means of payment, or (iii) demonstrate that it can absorb the cost of accepting credit card payments without imposing a fee.
  - b. Alternative means (i.e., cash, check, money order, etc.) must be available to those who choose not to utilize credit cards.
2. Before the trial court may begin accepting credit cards and/or imposing a “convenience fee” for the use of credit cards, a memorandum shall be submitted to Trial Court Fiscal Services at the Administrative Office of the Courts:

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<sup>5</sup> Government Code 6159 (f).

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- a. The request is to be submitted to:  
 Trial Court Fiscal Services  
 Administrative Office of the Courts  
 455 Golden Gate Ave  
 San Francisco, CA 94102-3688
  - b. A sample memorandum request form is provided below in Section 7.0, Associated Documents.
  - c. Unless clarification or other documentation is necessary, the request for acceptance of credit cards will be presented to the Administrative Director of the Courts with a staff recommendation. The trial court will receive notification regarding its request within fifteen (15) days, unless otherwise communicated.
  - d. The Administrative Director of the Courts Authorization may withdraw the authorization to accept credit card payments without notice at any time.
3. The trial court may begin to accept credit cards as a form of payment for fees, fines, penalties and forfeitures after it receives authorization from the Administrative Director of the Courts. Under no circumstances should these credit card payments be commingled with court funds. The trial court must coordinate with the county to establish a separate bank account linked to the credit card receipt mechanism prior to accepting credit card payments. Failure to observe this requirement may result in the withdrawal of authorization to accept credit card payments without notice, at the sole discretion of the Administrative Director of Courts.
  4. Credit cards may not be used to pay for fines, fees, penalties, and forfeitures associated with felony offenses.<sup>6</sup>

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<sup>6</sup> Government Code 6159 (b)(1)

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### **6.3.6 Dishonored Payments**

1. For checks that are returned to the trial court due to insufficient funds:
  - a. The court may impose a reasonable charge to recover its actual collection and processing costs.
  - b. The court may prescribe a different method of payment.
2. If any credit card or debit card payment is not accepted by the card issuer or is charged back to the court, the record of payment and/or receipt issued by the court shall be voided. The payment obligation of the cardholder shall continue as if no attempt at payment has been made.

### **6.3.7 Receipts**

1. All payments to the court must be acknowledged by a sequentially numbered receipt. Receipts issued by the court should provide information sufficient to create an adequate audit trail that ensures proper distribution of the monies received including:
  - a. Receipt number.
  - b. Date of payment.
  - c. Case number.
  - d. Amount received.
2. The court shall keep a record of all receipts issued. A receipt is deemed to be cancelled if a payment made by check, money order, credit card, or debit card is dishonored.
3. Receipts for payments received in the mail shall be sent to the customer only if a stamped, self-addressed envelope is included with the payment.

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4. Periodically monitor receipt sequence numbers to identify gaps and assure that all receipts are accounted for.

### **6.3.8 Void Transactions**

Transactions that must be voided require the approval of a supervisor. When notified by a cashier, the supervisor is responsible for reviewing and approving the void transaction. All void receipts should be retained, not destroyed.

### **6.3.9 Backup Procedure for Automated System Down Time**

1. In the case of a failure of the automated accounting system, pre-numbered receipt books will be issued by the supervisor or designated employee. A handwritten receipt shall be given to the customer and a copy of the receipt is clipped to the payment, and a copy shall be retained by the court.
2. Payments processed during down time shall be kept separate from money processed through the system. Money, receipts and case files will be kept together in a designated secure place.
3. Handwritten receipt transactions must be processed as soon as possible after the automated system is restored. The transactions must be recreated in the system from the handwritten receipts before the money can be transferred to the cash drawer or cash register.

### **6.3.10 Daily Balancing and Closeout**

1. At the end of the workday, all cashiers must balance their own cash drawer or register. Cashiers may not leave the premises nor transact new business until daily balancing and closeout are complete.

2. Balancing and closeout include completing and signing the daily report; attaching a calculator tape for checks; turning in the report, money collected and cash change fund to the supervisor; and verifying the report with the supervisor.
3. After daily balancing and closeout are completed, the collections are prepared for deposit to the county or bank. If the daily collections are not deposited on the same day they are collected, they must be locked in a safe, vault, or secure cabinet overnight.

#### **6.3.11 Shortages and Overages**

1. Cashiers must report all overages and shortages to their supervisors. Overages and shortages must be handled separately, never combined or netted together. An Overage or Shortage Report must be completed and signed by the responsible cashier and turned in to the appropriate supervisor with the daily cash balance report.
2. Supervisors will monitor all reports of overages and shortages to determine if there is a pattern meriting further investigation, modification of collection procedures, retraining of personnel, or disciplinary action.
3. All unidentified overages over \$5 should be deposited into a separate account to maintain visibility of these amounts. Overages may be cleared after a waiting period of three years.

#### **6.4 Payments Received Through the Mail**

1. Checks and money orders received through the mail should be processed on the day they are received. Any exceptions are to be brought to the attention of a supervisor, placed in a locked area and processed on the next business day.

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2. A team approach is used to maintain accountability for payments received in the mail:
  - a. A two-person team opens the mail.
  - b. Mail is only processed when both team members are present.
  - c. At no time should a member of the team leave the operation unless a replacement takes his or her place.
  - d. More than one two-person team may be needed to process large volumes of mail.
  - e. Two-person team combinations should be rotated regularly.
  
3. The following steps should be followed in opening the mail and processing the payments received:
  - a. Checks and money orders received through the mail should be processed on the day they are received and listed on a cash receipts log sheet.
  - b. The cash receipts log sheet should include the following information:
    - i. Case or docket number.
    - ii. Name of the person making the payment.
    - iii. Check amount.
    - iv. Check number.
    - v. Date received.
    - vi. Name of the person handling the check.
  - c. An adding machine tape of all checks and money orders should be run and the total amount received should be matched to the total amount entered into the accounting system.
  - d. The person logging the payments received through the mail shall sign the bottom of the log sheet after running the adding machine tape.

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- e. The adding machine tape should be attached to the log sheet and the checks delivered to a designated cashier for entry into the accounting system.
- f. Receipts for payments received in the mail shall only be sent to the customer if a stamped, self-addressed envelope is included with the payment.

## 6.5 Handling Counterfeit Currency

Sections 492 and 472 of Title 18 of the United States Code provide guidance with respect to the forfeiture of counterfeit bills and coins and of the paraphernalia used to make them. In summary, these codes state:

Section 492 - All counterfeits of any coins or obligations or other securities of the United States . . . or any material or apparatus used . . . in the making of such counterfeits . . . *shall be forfeited to the United States*. Whoever, having custody or control of any such counterfeits . . . fails or refuses to surrender possession thereof upon request by any authorized agent of the Treasury Department . . . shall be fined not more than \$100 or imprisoned not more than one year, or both.

Section 472 - Whoever, with intent to defraud, pass, or attempts to pass, *or keeps in possession* or conceals any falsely made, forged, counterfeited, or altered obligation or other security of the United States, shall be fined under this title or imprisoned not more than fifteen years, or both.

### 6.5.1 Training

As soon as practicable after hiring and at least annually thereafter, all cashiering staff and their supervisors shall be trained in the handling of counterfeit currency. Training sources include the United States



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Secret Service (USSS) Web site, local law enforcement, and the United States Treasury offices. No-cost, on-site group presentations are also available through the USSS (see [www.treas.gov/usss/field\\_](http://www.treas.gov/usss/field_) offices for a list of the nearest field offices and their telephone numbers). The court's finance and/or human resources department should coordinate all training and maintain documentation in a central file.

### **6.5.2 Identification**

1. At a minimum, cashiering staff must test all \$50 and \$100 bills for possible forgery. Depending on volume, \$20 bills may also be tested at the option of the Court Executive Officer or his/her designee. Every member of the cashiering staff should be provided with a counterfeit detection pen, which should be used to test for counterfeit bills. If the ink changes color, this indicates a potential counterfeit. Counterfeit detection pens may be obtained through local sources.
2. For additional information on counterfeit currency identification, please refer to the USSS Web site at [www.treas.gov/usss](http://www.treas.gov/usss); under "Investigations," click "Know Your Money," followed by "How to Detect Counterfeit Money."

### **6.5.3 Confiscation**

1. Each cashier who receives currency suspected of being counterfeit should contact his or her supervisor immediately. Care should be taken in discussing confiscation with the customer because of the risk of legal action and/or violence. Discussion with the customer should focus on ensuring that:
  - a. The customer understands that he or she is not being accused of counterfeiting; and
  - b. Federal regulations require confiscation of the currency.

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2. Trial court security staff should be asked to observe (but not detain) the customer, if this can be done unobtrusively.
3. The USSS has exclusive jurisdiction for investigations involving the counterfeiting of United States currency and coin. Procedures to be followed by court staff are detailed at the Web site [www.treas.gov/ussc](http://www.treas.gov/ussc), under "Investigations," (click "Know Your Money," followed by "If you Suspect a Note Is Counterfeit").
4. If feasible, the supervisor should telephone the closest USSS office to supply the serial numbers of the currency believed to be counterfeit, but not in the presence of the customer.
5. Section 492 of title 18 of the United States Code requires the surrender of counterfeit currency, it must not be returned to the customer. Refer to section 6.5.4, *Replacement of Confiscated Currency*, and section 6.5.5, *Preparation of Form SSF 1604*.
6. In the border area of each suspect currency, the supervisor should write his or her initials and the date.
7. After confiscation and pending instructions from the USSS, the supervisor should put the suspect currency in a sealed envelope and place it under lock and key; handling of it should be minimized. The USSS or an appropriate law enforcement agency is responsible for returning any confiscated currency determined not to be counterfeit.
8. Under no circumstances are cashiers permitted to retain possession of counterfeit currency.

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#### **6.5.4 Replacement of Confiscated Currency**

1. If a supervisor believes that currency received by the trial court may be counterfeit, he or she should explain to the customer that the currency cannot be accepted and must be confiscated, but that other currency, traveler's checks, or a credit card may be substituted as an acceptable form of payment to the trial court, as appropriate.
2. The customer should always be informed that if he or she does not replace the currency, the transaction is incomplete.

#### **6.5.5 Preparation of Form SSF 1604**

1. Form SSF 1604 is available on the USSS Web site at [www.treas.gov/usss/money\\_receive.shtml](http://www.treas.gov/usss/money_receive.shtml). Trial court staff should acquire this form from the Web site, since it is updated frequently.
2. To help identify the customer, cashiers should observe and document the customer's and any companions' descriptions and, if practicable, record the customer's driver's license number.
3. Court staff should complete Part 2 ("Description of Counterfeit Note") of form SSF 1604 to the extent possible.

#### **6.5.6 Notification**

1. The supervisor should telephone the USSS regarding the receipt of counterfeit or potentially counterfeit currency.
2. Form SSF 1604 should be submitted to the closest USSS office.
3. If the trial court is unable to collect funds because of the acceptance of counterfeit currency, the Court Executive Officer or his or her designee should initiate appropriate collection efforts.

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### **6.5.7 Detection of Counterfeit Currency by Bank**

If the bank detects counterfeit currency in a trial court's deposit, the bank is required to submit form SSF 1604 to the USSS. Once informed, the Court Executive Officer or his or her designee should initiate appropriate collection efforts if the customer is identifiable.

## **7.0 Associated Documents**

Sample Credit Card Request Memorandum

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## SAMPLE CREDIT CARD REQUEST MEMORANDUM

**TO:** Trial Court Fiscal Services

**FROM:** Superior Court of California  
County of \_\_\_\_\_.

**DATE:**

**SUBJECT/ PURPOSE OF MEMO:** Request to Accept Credit Card for Payment of Court Fees

Pursuant to California Rules of Court (Rule 6.703) it is requested that the Administrative Director of the Courts authorize the Superior Court of California in and for the County of \_\_\_\_\_ to accept credit cards for the payment of court fees and impose a convenience fee, if required, for their use.

In support of this request the following information is provided:

- a. *Either: (i) a description of proposed convenience fee charged, how it was calculated, and affirmation that it meets the criteria established by California Rules of Court section 6.703 (c); (ii) statement that the costs of accepting credit cards is not greater than the cost of accepting other forms of payment; or (iii) statement that the cost of accepting credit cards can be economically absorbed by the court and therefore no fee will be charged.*
- b. *Attach a copy of the proposed credit card acceptance contract and describe here the methodology used to determine that it is the most competitive structure compared with other possible contracts.*
- c. *Description of alternative means for the payment of court fees.*

By submitting this request, it is expressly understood that under no circumstances will any fees, fines, penalties or forfeitures that are the county's responsibility to remit to the State Treasurer's Office be deposited into any bank account approved for trial court use.

\_\_\_\_\_  
Presiding Judge

\_\_\_\_\_  
Court Executive Officer